

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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02-0461 CHIEF CLERK'S OFFICE

Administrative Law
Judge Hilliard

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¹ On November 15, 1999, an involuntary bankruptcy case was filed against RTC. Subsequently, on February 1, 2000, a consensual Order For Relief And Order Converting The Bankruptcy Case To A Case Under Chapter 11 of the Bankruptcy Code became effective. On August 26, 2003, Gregg E. Szilagyí was appointed as the Chapter 11 Trustee for RTC.

2. On October 7, 2004, Staff submitted the direct testimony of Staff witness David A. Borden and the direct testimony of its expert witness Michael J. Carolan. Subsequent to those submissions, the parties engaged in substantial motion practice regarding the production of documents upon which Carolyn relied in fashioning his testimony. The Trustee did not receive the requested documents until the latter part of April, 2005.

3. Pursuant to an Order dated April 13, 2005, the Trustee's direct testimony is due on June 30, 2005. Also pursuant to that Order, there is no date set for the submission of Staff's rebuttal testimony and no hearing date has been set. The only currently scheduled date is July 12, 2005 for a status hearing.

4. Since the entry of the April 13, 2005 Order, certain events have transpired that make the Trustee's ability to submit his direct testimony by June 30, 2005 virtually impossible. First, the Trustee's counsel primarily responsible for handling this matter is Kathleen Holper Champagne. Beginning on or about March 1, 2005, Ms. Champagne began her maternity leave at which time she was expected to return on or about June 1, 2005. Shortly prior to June 1, 2005, Ms. Champagne extended her maternity leave until July 5, 2005.

5. In connection with his administration of the estate, the Trustee must be mindful of incurring administrative expenses, which in RTC's bankruptcy case are enormous. For another lawyer to attempt to replicate Ms. Champagne's knowledge of this complicated and complex matter during her relatively short absence would be a needless and perhaps unjustifiable use of assets. As a result, the extension of Ms. Champagne's maternity leave requires an extension of time for the submission of the Trustee's direct testimony.

6. Additionally, at the time of the April 13, 2005 Order, a hearing regarding the Trustee's motion for a permanent injunction under Section 105 of the Bankruptcy Code was scheduled to begin on May 31, 2005. This is a hearing that essentially will decide whether the

Trustee retains control over virtually all of the estate's assets or whether this control will be ceded to his primary secured creditors, Banco Panamericano, Inc., Chiplase, Inc. and Leon Greenblatt. Based upon discovery issues, the permanent injunction hearing was continued until August 15, 2005. The significance of the issues raised by this permanent injunction hearing, as well as the need for the Trustee's counsel to devote their attention to this matter, is another reason why the time for the submission of the Trustee's direct testimony should be extended.

7. Under these circumstances, the Trustee believes that sixty days would be an appropriate period of time for the extension.

8. Additionally, given the approaching deadline, the Trustee requests an expedited response by Commission Staff and an expedited ruling.

8. Pursuant to Commission Rule of Practice, Section 200.350, the Trustee's counsel unsuccessfully attempted to resolve this matter with Staff's counsel.

CONCLUSION

For each of the reasons set forth above, either independently or in combination, Gregg E. Szilagyi, as Chapter 11 Trustee for Resource Technology Corporation, urges this Court to grant his request for an extension of time, until August 30, 2005, to file his direct testimony.

Dated: June 20, 2005

Respectfully submitted,

Ross E. Kimbarovsky *sgf*

One of the attorneys for Gregg E. Szilagyi, as
Chapter 11 Trustee for Resource Technology
Corporation

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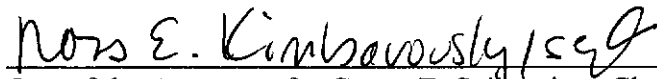
**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission,)	
)	
-vs-)	02-0461
)	
Resource Technology Corporation,)	Administrative Law
)	Judge Hilliard
Citation to show cause for continued QSWEF)	
Certification of Pontiac Facility and to)	
Investigate compliance with the final order in)	
Docket 97-0031 through 97-0045)	
Consolidated)	

NOTICE OF FILING

To: Attached Service List

PLEASE TAKE NOTICE that on June 20, 2005, we sent via federal express for filing with the Clerk of the Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62701, **Trustee's Motion For An Extension Of Time To File Direct Testimony**, a copy of which is hereby served upon you.



One of the Attorneys for Gregg E. Szilagyi, as Chapter
11 Trustee for Resource Technology Corporation

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CERTIFICATE OF SERVICE

I, Susan G. Feibus, an attorney, hereby state that I caused true and correct copies of the foregoing **Notice of Filing and Trustee's Motion For An Extension Of Time To File Direct Testimony** to be served upon the Attached Service List by depositing same in a sealed envelope, postage prepaid, in the U.S. Mail at 3500 Three First National Plaza, Chicago, Illinois 60602, and via hand delivery upon John Feeley and Administrative Law Judge Hilliard, on June 20, 2005, before the hour of 5:00 p.m.

A handwritten signature in black ink, appearing to read "Susan G. Feibus", written over a horizontal line.

Susan G. Feibus

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